

**DEPARTMENT OF BOATING AND WATERWAYS**

2000 Evergreen Street, Suite 100  
SACRAMENTO, CA 95815-3888  
(916) 263-1331

**Notice to Prospective Proposers**

You are invited to review and respond to this Request for Proposal (RFP) Number **2006-001** entitled, ***"Economic Impact and Recreational Values Assessment of Boating in California."*** In submitting your proposal, you must comply with the instructions found herein.

Note that all agreements entered into with the State of California will include by reference General Terms and Conditions and Contractor Certification Clauses that may be viewed and downloaded at the following Internet site: <http://www.ols.dgs.ca.gov/Standard+Language/default.htm>. If you do not have Internet access, a hard copy can be obtained by contacting the person signing this letter.

If a discrepancy occurs between the information appearing in the advertisement placed in the California State Contracts Register and the information herein, the information in this notice and in the RFP shall take precedence.

**I. Proposal Submission Deadline**

Regardless of postmark or method of delivery, the Department of Boating and Waterways (DBW) Facilities Division must receive proposal packages no later than **2:00 p.m. on June 19, 2006**. Refer to the attached RFP for detailed submission requirements.

**II. Disabled Veteran Business Enterprise (DVBE) participation requirements**

California Law requires Disabled Veteran Business Enterprise (DVBE) participation and/or performance of a good faith effort (GFE) to meet these requirements. DBW policies require DVBE participation on all contracts exceeding \$10,000. You may need four weeks or more to complete this process; therefore, you should begin this process promptly. Out-of-state firms must comply with California's DVBE participation requirements.

**III. Funding Limit**

The funding limit is **\$300,000**.

Funding for each state fiscal year is subject to an annual appropriation by the State Legislature or Congress. If full funding does not become available, DBW will cancel the resulting agreement or amend it to reflect reduced funding and reduced activities.

**IV. Proposer Questions**

In the opinion of DBW, this Request for Proposal is complete and without need of explanation. However, if you have questions or need clarifying information, put all inquiries in writing and mail or fax them to DBW according to the instructions in the RFP section entitled, "Proposer Questions."

Thank you for your interest in DBW's service needs.

Sincerely,  
April Moses, Program Analyst

Attachment



## **Request for Proposal 2006-001**

### **Economic Impact and Recreational Values Assessment of Boating in California**

California Department of Boating and Waterways  
Facilities Division  
2000 Evergreen Street, Suite 100  
Sacramento, Ca. 95815

## Table of Contents

A.	Purpose, Background and Description of Services.....	5
1.	Purpose.....	5
2.	Background .....	5
B.	Time Schedule .....	5
C.	Contract Term .....	6
D.	Proposer Questions .....	6
1.	What to include in an inquiry .....	6
2.	Question deadline .....	6
3.	How to submit questions .....	7
4.	Verbal questions .....	7
E.	Pre-Proposal Conference.....	7
F.	Reasonable Accommodations .....	8
G.	Scope of Work.....	9
H.	Qualification Requirements .....	9
I.	Proposal Format.....	9
1.	General instructions .....	9
2.	Format requirements .....	10
3.	Content requirements.....	10
a.	<u>Proposal Cover Page</u> .....	10
k.	<u>Appendix section</u> .....	11
l.	<u>Forms section</u> .....	11
J.	Proposal Selection Process .....	12
1.	Evaluation Criteria and Values for Proposal Elements .....	13
K.	Proposal Submission .....	14
1.	General Instructions .....	14
2.	Proof of timely receipt .....	14
3.	Proposer costs .....	14
L.	Bid Requirements and Information.....	14
1.	Nonresponsive proposals.....	14
2.	Proposal modifications after submission .....	15
3.	Withdrawal and/or Resubmission of Proposals.....	15
a.	Withdrawal deadlines .....	15
b.	Submitting a withdrawal request .....	15
c.	Resubmitting a proposal.....	16
4.	Contract award and protests .....	16
a.	Contract award.....	16
b.	Settlement of ties.....	16

c.	Protests .....	17
1)	Who can protest .....	17
2)	Grounds for protests .....	17
3)	Protest time lines .....	17
4)	Submitting a protest .....	17
5.	Disposition of proposals .....	18
6.	Verification of Proposer information .....	18
7.	DBW rights .....	19
a.	RFP corrections .....	19
b.	Collecting information from Proposers .....	19
c.	Immaterial proposal defects .....	19
d.	Correction of clerical or mathematical errors .....	19
e.	Right to remedy errors .....	20
f.	No contract award or RFP cancellation .....	20
g.	Contract amendments after award .....	20
h.	Proposed use of subcontractors .....	20
i.	Staffing changes after contract award .....	20
M.	Bidding Certification Clauses .....	20
1.	Certificate of Independent Price Determination .....	20
N.	Preference Programs .....	21
1.	Small Business Enterprises (including Microbusinesses) .....	21
O.	Contract Terms and Conditions .....	22
1.	Sample contract forms / exhibits .....	22
2.	Unanticipated tasks .....	23
3.	Resolution of language conflicts (RFP vs. final agreement) .....	23
P.	Contract Execution and Performance .....	23
1.	Execution of Contract .....	23
2.	Work Performance .....	24

#### Required Attachments

<b>Attachment #</b>	<b>Attachment Name</b>
Attachment 1	Proposal Cover Page
Attachment 2	Required Attachment/Certification Checklist
Attachment 3	Proposer Information Sheet
Attachment 4	Proposer References
Attachment 5	RFP Clause Certification

<b>Attachment #</b>	<b>Attachment Name</b>
Attachment 6	CCC 1005 – Certification. View or download at this Internet site: <a href="http://www.ols.dgs.ca.gov/Standard+Language/default.htm">http://www.ols.dgs.ca.gov/Standard+Language/default.htm</a>
Attachment 7	DVBE Instructions / Forms with Attachment 7a, Actual DVBE Participation and Attachment 7b, Good Faith Effort View or <u>download</u> forms and information from this Internet site: <a href="http://www.pd.dgs.ca.gov/smbus/default.htm">http://www.pd.dgs.ca.gov/smbus/default.htm</a>
Attachment 8	Work Plan
Attachment 9	Cost Proposal form
Attachment 10	Budget Detail Work Sheet
Attachment 11	Subcontractor Budgets

#### Sample Contract Forms / Exhibits

<b>Exhibit #</b>	<b>Exhibit Name</b>
Exhibit A1	Standard Agreement. View or download this exhibit at this Internet site: <a href="http://www.osp.dgs.ca.gov/StandardForms/Fill+and+Print+Standard+eForms.htm">http://www.osp.dgs.ca.gov/StandardForms/Fill+and+Print+Standard+eForms.htm</a>
Exhibit A	Scope of Work
Exhibit B	Budget Detail and Payment Provisions
Exhibit C	General Terms and Conditions (GTC 306). View or download this exhibit at this Internet site: <a href="http://www.ols.dgs.ca.gov/Standard+Language/default.htm">http://www.ols.dgs.ca.gov/Standard+Language/default.htm</a>
Exhibit D	Special Terms and Conditions
Exhibit E	Additional Provisions
Exhibit F	Contractor's Release View or <u>download</u> this exhibit from this Internet site: <a href="http://www.documents.dgs.ca.gov/osp/pdf/std004.pdf">http://www.documents.dgs.ca.gov/osp/pdf/std004.pdf</a>
Exhibit G	Payee Data Record View or download this exhibit from this Internet site: <a href="http://dbw.gov/Forms/std204.pdf">http://dbw.gov/Forms/std204.pdf</a>

#### Program Appendices

Appendices 1, 2, 3, and 4 will include information from the proposer and should be returned with the proposal to DBW. Appendix 5 is for the proposer's information only and should not be returned with the proposal to DBW.

<b>Appendix #</b>	<b>Appendix Name</b>
Appendix 1	Certificate of Status (Corporations)
Appendix 2	Staff Resumes
Appendix 3	Subcontractor Resumes
Appendix 4	Project Work Samples
Appendix 5	Directions to DBW

## A. Purpose, Background and Description of Services

### 1. Purpose

The California Department of Boating and Waterways (DBW), Facilities Division, is soliciting proposals from firms for (RFP) Number **2006-001** entitled, "**Economic Impact and Recreational Values Assessment of Boating in California**." The assessment will include the economic (market) impact of boating as well as the recreational value (non-market) of boating in California. Proposals must address all of the services described in Exhibit A entitled, "Scope of Work."

The DBW Facilities Division intends to make a single contract award to the most responsive and responsible firm earning the highest score. This procurement is open to all eligible firms and/or individuals that meet the qualification requirements, including commercial businesses, nonprofit organizations, State or public universities (including auxiliary organizations) and other entities.

### 2. Background

DBW was created by the California Legislature in 1957 to provide safe and convenient public access to California's waterways and leadership in promoting the public's right to safe, enjoyable, and environmentally sound recreational boating.

Market and non-market impact studies provide DBW with valuable information concerning the social benefit of recreational boating in California. This data can be used by DBW to better allocate future construction funding. The most recent study of this type was completed as a part of the California Boating Facilities Needs Assessment (CBFNA) study in 2000 (available at: [www.dbw.ca.gov/CBFNA.asp](http://www.dbw.ca.gov/CBFNA.asp)).

DBW desires to commission a new study dealing exclusively with the economic impact and recreational values of boating in California.

## B. Time Schedule

Below is the tentative time schedule for this procurement:

Event	Date	Time (If applicable)
RFP Released	May 15, 2006	
Questions Due	May 30, 2006	2:00 p.m.
Voluntary Pre-Proposal Conference	June 5, 2006	1:00 p.m.
Proposal Due Date	June 19, 2006	2:00 p.m.
Notice of Intent to Award Posted	July 5, 2006	5:00 p.m.

Event	Date	Time (If applicable)
Protest Deadline	July 12, 2006	5:00 p.m.
Contract Award Date	July 13, 2006	
Proposed Start Date of Agreement	August 3, 2006	

### C. Contract Term

The term of the resulting agreement is expected to be **1 year** and is anticipated to be effective from **August 3, 2006 through August 3, 2007**. The agreement term may change if DBW makes an award earlier than expected or if DBW cannot execute the agreement in a timely manner due to unforeseen delays.

The resulting contract will be of no force or effect until it is signed by both parties and approved by the Department of General Services. The Contractor is hereby advised not to commence performance until all approvals have been obtained. Should performance commence before all approvals are obtained, said services may be considered to have been volunteered if all approvals have not been obtained.

### D. Proposer Questions

Immediately notify DBW if you need clarification about the services sought or have questions about the RFP instructions or requirements. Put your inquiry in writing and transmit it to DBW as instructed below. At its discretion, DBW reserves the right to contact an inquirer to seek clarification of any inquiry received.

Proposers that fail to report a known or suspected problem with the RFP or fail to seek clarification and/or correction of the RFP shall submit a proposal at their own risk.

#### 1. What to include in an inquiry

- Your name, name of your firm, mailing address, area code and telephone number, and fax number.
- A description of the subject or issue in question or discrepancy found.
- RFP section, page number or other information useful in identifying the specific problem or issue in question.
- Remedy sought, if any.

A proposer that desires clarification about specific RFP requirements and/or whose inquiry relates to sensitive issues or proprietary aspects of a proposal may submit individual inquiries that are marked "Confidential." The Proposer must include with its inquiry an explanation as to why it believes questions marked "Confidential" are sensitive or surround a proprietary issue.

#### 2. Question deadline

Proposers are encouraged to submit written inquiries about this RFP to DBW no later than **2:00 p.m. on May 30, 2006** so answers can be prepared in advance of the Pre-Proposal Conference date. DBW will accept written or faxed inquiries received by **2:00 p.m. on May**



**30, 2006.** At its discretion, DBW may contact an inquirer to seek clarification of any inquiry received.

DBW will accept questions or inquiries about the following issues if such inquiries are received prior to the proposal submission deadline:

- a. DVBE participation requirements and how to complete the DVBE attachments,
- b. The reporting of RFP errors or irregularities.

### 3. How to submit questions

Submit inquiries using one of the following methods.

U.S. Mail, Hand Delivery or Overnight Express:	Fax:
<b>Questions RFP 2006-001</b> <b>Department of Boating and Waterways</b> <b>Attn: April Moses</b> <b>2000 Evergreen Street, Suite 100</b> <b>Sacramento, CA 95815</b>	<b>Questions RFP 2006-001</b> <b>Department of Boating and Waterways</b> <b>Attn: April Moses</b>  <b>Fax: (916) 263-0649</b>

Proposers submitting inquiries by fax are responsible for confirming the receipt of all faxed materials by the question deadline.

Call the DBW Facilities Division at (916) 263-6358 to confirm faxed transmissions.

### 4. Verbal questions

Verbal inquiries are discouraged. DBW reserves the right not to accept or respond to verbal inquiries. **Spontaneous verbal remarks provided in response to verbal inquiries are unofficial and are not binding on DBW unless later confirmed in writing.**

Direct all verbal requests for DVBE assistance to DBW's DVBE Coordinator at (916) 263-6358 up to the proposal deadline.

## E. Pre-Proposal Conference

DBW will conduct a voluntary Pre-Proposal Conference in Sacramento, Ca. on **June 5, 2006** beginning at **1:00 p.m.** at the following location:

**Department of Boating and Waterways**  
**2000 Evergreen Street, Suite 100**  
**Main Conference Room**

Prospective proposers that intend to submit a proposal are encouraged to attend the voluntary Pre-Proposal Conference. It shall be each prospective proposer's responsibility to attend the Pre-Proposal Conference promptly at **1:00 p.m.** DBW reserves the right not to repeat information for participants that join the conference after it has begun.

If a potential prime contractor is unable to attend the voluntary Pre-Proposal Conference, an authorized representative of its choice may attend on its behalf. The representative may only sign-in for one potential prime contractor. Subcontractors may represent a potential prime contractor at the voluntary Pre-Proposal Conference.

The voluntary Pre-Proposal Conference is a public event or meeting and anyone can attend.

The purpose of the conference is to:

1. Allow prospective proposers to ask questions about the services sought or RFP requirements and/or instructions.
2. Share the answers to general questions and inquiries received before and during the conference.

**Spontaneous verbal remarks provided in response to questions/inquiries are unofficial and are not binding on DBW unless later confirmed in writing.**

Carefully review this RFP before the conference date to familiarize yourself with the qualification requirements, scope of work and proposal content requirements. Prospective proposers are encouraged to have their copy of this RFP available for viewing during the conference.

Refer to the RFP section entitled, "Proposer Questions" for instructions on how to submit written questions and inquiries before the conference date.

If DBW is unable to respond to all inquiries received before and/or during the conference, DBW will provide written answers shortly thereafter. DBW reserves the right to determine which inquiries will be answered during the conference and which will be answered later in writing.

After the conference, DBW will summarize all general questions and issues raised before and during the conference and mail or fax the summary and responses to all persons who received this RFP and to those who attended/participated in the conference. If an inquiry appears to be unique to a single firm or is marked "Confidential", DBW will mail or fax a response only to the inquirer if DBW concurs with the Proposer's claim that the inquiry is sensitive or proprietary in nature. If DBW does not concur, the inquiry will be answered in the manner described herein and the Proposer will be so notified. Inquiries and/or responses that DBW agrees should be held in confidence shall be held in confidence only until the Notice of Intent to Award is posted.

To the extent practical, inquiries shall remain as submitted. However, DBW may consolidate and/or paraphrase similar or related inquiries.

Proposers are responsible for their costs to attend/participate in the conference. Those costs cannot be charged to DBW or included in any cost element of the Proposer's price offering.

## **F. Reasonable Accommodations**

This location is accessible to persons with disabilities. Individuals requiring special accommodation (accessible seating, documentation in accessible formats, etc.) are requested to contact the number or e-mail address listed below at least seven days prior to the meeting date:

Margarita Sanchez  
(916) 263-4330  
msanchez@dbw.ca.gov

NOTE: The range of assistive services available may be limited if requests are received less than seven State working days prior to the conference date.

## **G. Scope of Work**

See Exhibit A entitled, "Scope of Work" that is included in the Sample Contract Forms and Exhibits section of this RFP. Exhibit A contains a detailed description of the services and work to be performed as a result of this procurement.

## **H. Qualification Requirements**

Failure to meet the following requirements by the proposal submission deadline will be grounds for DBW to deem a proposer nonresponsive. Evaluators may choose not to thoroughly review or score proposals that fail to meet these requirements. In submitting a proposal, each proposer must certify and prove that it possesses the following qualification requirements.

1. Proposers must certify that they have read and are willing to comply with all proposed terms and conditions addressed in the RFP section entitled, "Contract Terms and Conditions", including the terms appearing in the referenced contract exhibits.
3. Corporations must certify they are in good standing and qualified to conduct business in California.
4. Proposers must have a past record of sound business integrity and a history of being responsive to past contractual obligations.
5. Proposers must be certify they are financially stable and solvent and have adequate cash reserves to meet all financial obligations while awaiting reimbursement from the State.
7. Proposers must either achieve actual Disabled Veteran Business Enterprise (DVBE) participation **or** make an adequate Good Faith Effort (GFE) to meet the DVBE participation requirements. Detailed requirements are outlined in **Attachment 7** (DVBE Instructions/Forms). This requirement applies if you offer a total cost or price that is \$10,000 or more.

## **I. Proposal Format**

### **1. General instructions**

- a. Each firm or individual may submit only one proposal.

For the purposes of this paragraph, "firm" includes a parent corporation of a firm and any other subsidiary of that parent corporation. If a firm or individual submits more than one proposal, DBW will reject all proposals submitted by that firm or individual.

A firm or individual proposing to act as a prime contractor may be named as a subcontractor in another proposer's proposal. Similarly, more than one proposer may use the same subcontractors and/or independent consultants.

- b. Develop proposals by following all RFP instructions and/or clarifications issued by DBW in the form of question and answer notices, clarification notices, Administrative Bulletins or RFP addenda.
- c. Before submitting your proposal, seek timely written clarification of any requirements or instructions that you believe to be vague, unclear or that you do not fully understand.
- d. In preparing your proposal response, all narrative portions should be straightforward, detailed and precise. DBW will determine the responsiveness of a proposal by its quality, not its volume, packaging or colored displays.

- e. Arrange for the timely delivery of your proposal package(s) to the address specified in this RFP. Do not wait until shortly before the deadline to submit your proposal.

## 2. Format requirements

- a. Submit one (1) original proposal and **three (3)** copies or sets.
  - 1) Write “**Original**” on the original proposal set.
  - 2) Each proposal set must be complete with a copy of all required attachments and documentation.
- b. All RFP attachments that require a signature must be signed in ink, preferably in a color other than black.
  - 1) Have a person who is authorized to bind the proposing firm sign each RFP attachment that requires a signature. Signature stamps are not acceptable.
  - 2) Place the originally signed attachments in the proposal set marked “**Original**”.
  - 3) The RFP attachments and other documentation placed in the extra proposal sets may reflect photocopied signatures.
- c. Do not mark any portion of your proposal response, any RFP attachment or other item of required documentation as “Confidential” or “Proprietary.” DBW will disregard any language purporting to render all or portions of a proposal confidential.

## 3. Content requirements

This section specifies the order and content of each proposal. Assemble the materials in each proposal set in the following order:

- a. Proposal Cover Page

A person authorized to bind the Proposer must sign the Proposal Cover Page (**Attachment 1**). If the proposer is a corporation, a person authorized by the Board of Directors to sign on behalf of the Board must sign the Proposal Cover Page.

- b. Cost Proposal Form (**Attachment 8**)

- c. Work Plan (includes work hours by major tasks and rates) (**Attachment 9**)

- d. Staff Budget Detail Worksheet (**Attachment 10**)

- e. Subcontractor Budget Detail Worksheet (**Attachment 11**)

- f. Organization History and Background

Describe the background and history of your organization.

- g. Staff Resumes (Place in **Appendix 2**)

h. Subcontractor Organization History and Background

Describe the background and history of subcontractors.

i. Subcontractor Resumes (Place in **Appendix 3**)

j. Relevant Experience

Describe your organization's experience at performing work similar to this RFP's scope of work. Include samples of similar work performed in **Appendix 4**.

k. Appendix section

Place the following documentation in the Appendix section of your proposal in the order shown below.

1) **Proof of Corporate status**

If the Proposer is a Corporation, submit a copy of your firm's most current Certificate of Status issued by State of California, Office of the Secretary of State. Submit an explanation if you cannot submit this documentation. Unless otherwise specified, do not submit copies of your firm's Bylaws or Articles of Incorporation.

2) **Staff resumes**

Resume specifications appear in the Project Personnel section. Resumes are to be submitted only for staff that will/may work on the project. To the extent possible, resumes should not include personal information such as a social security number, home address, home telephone number, marital status, sex, birth date, age, etc.

3) **Subcontractor/Consultant resumes**

Submit a resume for each pre-identified subcontractor or independent consultant, if any, as discussed in the Project Personnel section. To the extent possible, resumes should not include personal information such as a social security number, home address, home telephone number, marital status, sex, birth date, age, etc.

4) **Project Work Samples (include budget)**

l. Forms section

Complete, sign and include the forms/attachments listed below. When completing the attachments, follow the instructions in this section and any instructions appearing on the attachment. After completing and signing the applicable attachments, assemble them in the order shown below.

Attachment and/or Documentation	Instructions
2 – Required Attachment/Certification Checklist	<p>1) Check each item with “Yes” or “N/A”, as applicable, and sign the form. If necessary, explain your responses.</p> <p>2) If a proposer marks “Yes” or “N/A” and makes any notation on the checklist and/or attaches an explanation to the checklist to clarify their choice, DBW considers this a “qualified response.” Any “qualified response”, determined by DBW to be unsatisfactory or insufficient to meet a requirement, may cause a proposal to be deemed nonresponsive.</p>
3 - Proposer Information Sheet	Completion of the form is self-explanatory.
4 - Proposer References	Identify three (3) clients you have serviced within the past five years that can confirm their satisfaction with your services and confirm if your firm provided timely and effective services or deliverables. If possible, identify clients whose needs were similar in scope and nature to the services sought in this RFP. List the most recent first.
5 - RFP Clause Certification	Complete and sign this form indicating your willingness and ability to comply with the contract certification clauses appearing in the RFP section entitled, “Bid Requirements and Information,” subsection “Bidding Certification Causes.”
6 - CCC 1005 - Certification	Complete and sign this form indicating your willingness and ability to comply with the Contractor Certification Clauses appearing in this Attachment.
7a - Actual DVBE Participation and applicable DVBE certification(s) <b>and/or</b> 7b - Good Faith Effort with required documentation	<p>Read and carefully follow the completion instructions in <b>Attachment 7</b>. Attach the documentation that is required for the form(s) you choose to submit. One and/or both of these two forms may be required. <b>Submission of these forms only applies to contract awards that equal \$10,000 or more for the entire contract term.</b></p>

## J. Proposal Selection Process

The following criteria and scoring will be used in evaluating all proposals that meet the requirements set forth in this RFP in relation to format and timely submission. Proposals that are incomplete or tardy will be automatically disqualified.

<u>Proposal Element</u>	<u>Factor</u>
Proposed Cost	30%
Methodology of Study	25%
Qualifications	25%
Experience	20%

**1. Evaluation Criteria and Values for Proposal Elements:****a. Proposed Cost - 30% (30 points)**

Scoring will be based on the extent that the proposed cost is reasonable, consistent with the methodology of study, and within funding availability. It is expected that this study will cost between \$200,000 and \$300,000. Twenty points will be awarded to proposals costing \$300,000 or less; and, no points will be awarded for proposals costing more than \$300,000. Two additional points will be given for every multiple of \$20,000 subtracted from the maximum permissible cost of \$300,000 (maximum of 30 points).

For Example: 20 points = \$280,000 to \$300,000

22 points = \$260,000 to \$280,000

24 points = \$240,000 to \$260,000

26 points = \$220,000 to \$240,000

28 points = \$200,000 to \$220,000

30 points = \$0 to \$200,000

**b. Methodology of Study - 25% (25 points)**

Scoring will be based on the quality and appropriateness of the following criteria:

- 1) Research and analysis methodology to be employed
- 2) Detailed work plan showing a timeline for completing each task of each phase including project milestones of this RFP
- 3) Consultant work hours by major tasks and hourly rate
- 4) Detailed budget inclusive of all associated expenses

**c. Qualifications - 25% (25 points)**

Scoring will be based on the demonstrated ability of the Organization/individual to carry out the work required by this RFP. The proposal should include the relevant experience and background of each consultant assigned to the project, the role of each individual, the total hours budgeted for each individual, the hourly rate charged for each individual, and the names, roles, rates and qualifications of all. The following are minimum requirements to be included in the proposal:

- 1) Organization
  - a. History and background information
  - b. Qualifications
    - i. Resume of each individual involved
    - ii. Role of each individual involved
    - iii. Hourly rate and estimated hours of each individual involved
- 2) Other Individuals (subcontractors)
  - a. History and background information
  - b. Qualifications
    - i. Resume of each individual involved
    - ii. Role of each individual involved
    - iii. Hourly rate and estimated hours of each individual involved

**d. Experience - 20% (20 points)**

Scoring will be based on the Organization/individual's direct relevant experience, recency of the experience, the results, budget and schedule compliance of previous assignments:

- 1) Relevant experience
  - Recency of experience
- 2) Documentation of similar project completion
  - Work samples

**K. Proposal Submission****1. General Instructions**

- a. Assemble an original and **three (3)** copies of your proposal together. Place the proposal set marked "**Original**" on top, followed by the **three (3)** extra copies.
- b. Place all proposal copies in a single envelope or package, if possible. Seal the envelope or package.

If you submit more than one envelope or package, carefully label each one as instructed below and mark on the outside of each envelope or package "1 of X", "2 of X", etc.

- c. Mail or arrange for hand delivery of your proposal to the Department of Boating and Waterways, Facilities Division. Proposals may not be transmitted electronically by fax or email.
- d. The Facilities Division must receive your proposal, regardless of postmark or method of delivery, by **2:00 p.m. on June 19, 2006.** Late proposals will not be reviewed or scored.
- e. Label and submit your proposal using one of the following methods.

<b>Hand Delivery or Overnight Express or U.S. Mail:</b>
<b>Proposal RFP 2006-001 Department of Boating and Waterways Attn: April Moses 2000 Evergreen Street, Suite 100 Sacramento, CA 95815</b>

**2. Proof of timely receipt**

- a. DBW staff will log and attach a date/time stamped slip or bid receipt to each proposal package/envelope received. If a proposal envelope or package is hand delivered, DBW staff will give a bid receipt to the hand carrier upon request.
- b. To be timely, DBW's Facilities Division must receive each proposal at the stated delivery address no later than **2:00 p.m.** on the proposal submission due date.
- c. DBW will deem late proposals nonresponsive.

**3. Proposer costs**

Proposers are responsible for all costs of developing and submitting a proposal. Such costs cannot be charged to DBW or included in any cost element of a Proposer's price offering.

**L. Bid Requirements and Information****1. Nonresponsive proposals**

In addition to any condition previously indicated in this RFP, the following occurrences **may** cause DBW to deem a proposal nonresponsive.



- a. Failure of a Proposer to:
  - 1) Meet DVBE participation goals or to demonstrate that a substantial Good Faith Effort was made to meet those goals.
  - 2) Meet proposal format/content or submission requirements including, but not limited to, the sealing, labeling, packaging and/or timely and proper delivery of proposals.
  - 3) Pass the Required Attachment/Certification Checklist review (i.e., by not marking "Yes" to applicable items or by not appropriately justifying, to DBW's satisfaction, all "N/A" designations).
- b. If a Proposer submits a proposal that is conditional, materially incomplete or contains material defects, alterations or irregularities of any kind.
- c. If a Proposer supplies false, inaccurate or misleading information or falsely certifies compliance on any RFP attachment.
- d. If DBW discovers, at any stage of the bid process or upon contract award, that the Proposer is unwilling or unable to comply with the contract terms, conditions and exhibits cited in this RFP or the resulting contract.
- e. If other irregularities occur in a proposal response that is not specifically addressed herein (i.e., the Proposer places any conditions on performance of the scope of work, submits a counter proposal, etc.).

## **2. Proposal modifications after submission**

- a. All proposals are to be complete when submitted. However, an entire proposal may be withdrawn and the Proposer may resubmit a new proposal.
- b. To withdraw and/or resubmit a new proposal, follow the instructions appearing in the RFP section entitled, "Withdrawal and/or Resubmission of Proposals."

## **3. Withdrawal and/or Resubmission of Proposals**

- a. Withdrawal deadlines

A proposer may withdraw a proposal at any time before the proposal submission deadline.

- b. Submitting a withdrawal request

- 1) Submit a written withdrawal request, signed by an authorized representative of the Proposer.
- 2) Label and submit the withdrawal request using one of the following methods.

<b>U.S. Mail, Hand Delivery or Overnight Express:</b>	<b>Fax:</b>
<b>Withdrawal RFP 2006-001</b> <b>Department of Boating and Waterways</b> <b>Attn: April Moses</b> <b>2000 Evergreen Street, Suite 100</b> <b>Sacramento, CA 95815</b>	<b>Withdrawal RFP 2006-001</b> <b>Department of Boating and Waterways</b> <b>Attn: April Moses</b>  <b>Fax: (916) 263-0649</b>

- 3) Proposers must call (916) 263-6358 to confirm receipt of a faxed withdrawal request. Follow-up the faxed request by mailing or delivering the signed original withdrawal request within 24 hours after submitting a faxed request.

An originally signed withdrawal request is generally required before DBW will return a proposal to a Proposer. DBW may grant an exception if the Proposer informs DBW that a new or replacement proposal will immediately follow the withdrawal.

c. Resubmitting a proposal

After withdrawing a proposal, Proposers may resubmit a new proposal according to the proposal submission instructions. Replacement proposals must be received at the stated place of delivery by the proposal due date and time.

#### 4. Contract award and protests

a. Contract award

- 1) Award of the contract, if awarded, will be to the responsive and responsible Proposer, who earns the highest total score. The highest scored proposal will be determined after DBW adjusts Proposer scores for applicable bidder preferences.
- 2) DBW shall award the contract only after DBW posts a Notice of Intent to Award for five (5) working days. DBW expects to post the Notice of Intent to Award before the close of business on **July 5, 2006** at the following location:

Department of Boating and Waterways  
Facilities Division  
2000 Evergreen Street, Suite 100  
Sacramento, CA 95815

- 3) DBW will mail or fax a written notification and/or a copy of the Notice of Intent to Award to all firms that submitted a proposal.
- 4) DBW will confirm the contract award to the winning Proposer after the protest deadline, if no protests are filed or following the Department of General Service's resolution of all protests. DBW staff may confirm an award verbally or in writing.

b. Settlement of ties

In the event of a precise highest score tie between a certified small business and a certified DVBE, the contract will be awarded to the DVBE per Government Code Section 14838(f) et seq.

DBW will settle all other tied total scores by making an award to the Proposer who earns the highest score in their Methodology of Study. If Methodology of Study scores are also tied, DBW will settle the tie in a manner that DBW determines to be fair and equitable (e.g., coin toss, lot drawing, etc.). In no event will DBW settle a tie by dividing the work among the tied Proposers.

c. Protests

1) Who can protest

Any proposer who submits a proposal may file a protest if the Proposer believes its proposal is responsive to all RFP requirements.

2) Grounds for protests

Protests are limited to the grounds described in Public Contract Code (PCC) Section 10345. DBW will not make an award until all protests are withdrawn by the protestant, denied, or resolved to the satisfaction of the Department of General Services (DGS).

3) Protest time lines

- a. Eligible Proposers may file a first and quite brief "Notice of Intent to Protest" within five working days after DBW posts the Notice of Intent to Award.
- b. Within five calendar days after filing a "Notice of Intent to Protest", the protestant must file a full and complete written protest statement identifying the specific grounds for the protest. The statement must contain, in detail, the reasons, law, rule, regulation, or practice that the protestant believes DBW has improperly applied in awarding the contract.

4) Submitting a protest

Protests must be filed with both the Department of General Services and the Department of Boating and Waterways. You may hand deliver, mail or fax your protest.

Label, address and submit the initial protest notice and detailed protest statement using one of the following methods.

	<b>Fax:</b>
<b>Protest to DBW RFP 2006-001</b> <b>Department of Boating and Waterways</b> <b>Attn: April Moses</b> <b>2000 Evergreen Street, Suite 100</b> <b>Sacramento, CA 95815</b>	<b>Protest to DBW RFP 2006-001</b> <b>Department of Boating and Waterways</b> <b>Attn: April Moses</b>  <b>Fax: (916) 263-0649</b>

<b>U.S. Mail, Hand Delivery or Overnight Express:</b>	<b>Fax:</b>
<b>Protest to DBW RFP 2006-001 Dept. of General Services Office of Legal Services Attention: Protest Coordinator 707 Third Street, 7<sup>th</sup> Floor, Suite 7-330 West Sacramento, CA 95605</b>	<b>Protest to DBW RFP 2006-001 Dept. of General Services Office of Legal Services  Fax: (916) 376-5088</b>

### For faxed protests

Faxed protests must be followed-up by sending an original signed protest, with all supporting material, within one (1) calendar week of submitting the faxed protest.

Call the telephone numbers below to confirm your fax transmission:

Department of General Services	<b>(916) 376-5080</b>
Department of Boating and Waterways	(916) 263-6358

## 5. Disposition of proposals

- a. All materials submitted in response to this RFP will become the property of the Department of Boating and Waterways and, as such, are subject to the Public Records Act (GC Section 6250, et seq.). DBW will disregard any language purporting to render all or portions of any proposal confidential.
- b. Proposals are public records upon the posting of a Notice of Intent to Award. However, the contents of all proposals, draft RFPs, correspondence, agenda, memoranda, working papers, or any other medium which discloses any aspect of a proposer's proposal shall be held in the strictest confidence until the award is made. DBW shall hold the content of all working papers and discussions relating to a proposal confidential indefinitely, unless the public's interest is best served by disclosure because of its pertinence to a decision, agreement, or the evaluation of a proposal. A proposer's disclosure of this subject is a basis for rejecting a proposal and ruling the Proposer ineligible to participate further in the bidding process.
- c. DBW may return a proposal to a Proposer at their request and expense after DBW concludes the bid process.

## 6. Verification of Proposer information

By submitting a proposal, Proposers agree to authorize DBW to:

- a. Verify any and all claims made by the Proposer including, but not limited to verification of prior experience and the possession of other qualification requirements, and
- b. Check any reference identified by a Proposer or other resources known by the State to confirm the Proposer's business integrity and history of providing effective, efficient and timely services.

## 7. DBW rights

In addition to the rights discussed elsewhere in this RFP, DBW reserves the following rights.

### a. RFP corrections

- 1) DBW reserves the right to do any of the following up to the proposal submission deadline:
  - a) Modify any date or deadline appearing in this RFP or the RFP Time Schedule.
  - b) Issue clarification notices, addenda, alternate RFP instructions, forms, etc.
  - c) Waive any RFP requirement or instruction for all proposers if DBW determines that the requirement or instruction was unnecessary, erroneous or unreasonable.
  - d) Allow Proposers to submit questions about any RFP change, correction or addenda. If DBW allows such questions, specific instructions will appear in the cover letter accompanying the document.

### b. Collecting information from Proposers

- 1) If deemed necessary, DBW may request a Proposer to submit additional documentation during or after the proposal review and evaluation process. DBW will advise the Proposers orally, by fax or in writing of the documentation that is required and the time line for submitting the documentation. DBW will follow-up oral instructions in writing by fax or mail. Failure to submit the required documentation by the date and time indicated may cause DBW to deem a proposal nonresponsive.
- 2) DBW, at its sole discretion, reserves the right to collect, by mail, fax or other method the following omitted documentation and/or additional information:
  - a) Signed copies of any form submitted without a signature.
  - b) Data or documentation omitted from any submitted RFP attachment/form.
  - c) Information/material needed to clarify or confirm certifications or claims made by a Proposer.
  - d) Information/material needed to correct or remedy an immaterial defect in a proposal.
- 3) The collection of proposer documentation may cause DBW to extend the date for posting the Notice of Intent to Award. If DBW changes the posting date, DBW will advise the Proposers, orally or in writing, of the alternate posting date.

### c. Immaterial proposal defects

- 1) DBW may waive any immaterial defect in any proposal and allow the Proposer to remedy those defects. DBW reserves the right to use its best judgment to determine what constitutes an immaterial deviation or defect.
- 2) DBW's waiver of an immaterial defect in a proposal shall in no way modify this RFP or excuse a Proposer from full compliance with all bid requirements.

### d. Correction of clerical or mathematical errors

- 1) DBW reserves the right, at its sole discretion, to overlook, correct or require a Proposer to remedy any obvious clerical or mathematical errors occurring in the narrative portion of a proposal, on a Cost Proposal form or on a Budget Detail Work Sheet.
  - 2) If the correction of an error results in an increase or decrease in the total price, DBW shall give the Proposer the option to accept the corrected price or withdraw their proposal.
  - 3) Proposers may be required to initial corrections to costs and dollar figures on the Cost Proposal form or a Budget Detail Work Sheet if the correction results in an alteration of the annual costs or total cost offered.
  - 4) If a mathematical error occurs in a total or extended price and a unit price is present, DBW will use the unit price to settle the discrepancy.
- e. Right to remedy errors
- DBW reserves the right to remedy errors caused by:
- 1) DBW office equipment malfunctions or negligence by agency staff,
  - 2) Natural disasters (i.e., floods, fires, earthquakes, etc.).
- f. No contract award or RFP cancellation
- The issuance of this RFP does not constitute a commitment by DBW to award a contract. DBW reserves the right to reject all proposals and to cancel this RFP if it is in the best interests of DBW to do so.
- g. Contract amendments after award
- As provided in the Public Contract Code governing contracts awarded by competitive bid, DBW reserves the right to amend the contract after DBW makes a contract award.
- h. Proposed use of subcontractors
- Specific subcontract relationships proposed in response to this RFP (i.e., identification of pre-identified subcontractors) shall not be changed during the procurement process or prior to contract execution. The pre-identification of a subcontractor does not affect DBW's right to approve personnel or staffing selections or changes made after the contract award.
- i. Staffing changes after contract award
- DBW reserves the right to approve or disapprove changes in key personnel that occur after DBW awards the contract.

## **M. Bidding Certification Clauses**

### **1. Certificate of Independent Price Determination**

- a. The prospective proposer certifies that:
  - 1) The prices in this bid or proposal have been arrived at independently without any consultation, communication or agreement with any other proposer, proposer or competitor for the purpose of restricting competition relating to:

- a) The prices or costs offered,
  - b) The intention to submit a bid or proposal,
  - c) The methods or factors used to calculate the costs or prices offered.
- 2) The prices in this bid or proposal have not been and will not be knowingly disclosed by the proposer, directly or indirectly, to any other proposer or competitor before the bid/cost proposal opening date or date of contract award posting, unless otherwise required by law.
- 3) No attempt has been made or will be made by the proposer to induce any other firm or entity to submit or not to submit a bid or proposal for the purpose of restricting competition.
- b. Each signature appearing on the documents contained in this bid package/proposal is considered to be a certification by the signatory that the signatory:

Is the person in the proposer's organization that is either responsible for determining the prices offered in this bid or proposal and/or is designated to complete the bid or proposal forms on behalf of the bidding firm, and the signatory has not participated and will not participate in any action contrary to all subsections of paragraph a.

## **N. Preference Programs**

To confirm the identity of the highest scored responsible Proposer, DBW will adjust the total point score for applicable claimed preference(s). DBW will apply preference adjustments to eligible Proposers according to State regulations following verification of eligibility with the appropriate office of the Department of General Services.

### **1. Small Business Enterprises (including Microbusinesses)**

- a. Responsive and responsible California proposers claiming preference and verified as a certified small business (including microbusiness) in a relevant business type will be granted a preference of five percent (5%) of the total point score earned by the responsive and responsible proposer with highest combined score, if the highest scored proposal is submitted by a proposer that is not certified as a California small business (including microbusinesses) in a relevant business type. The "service" category or business type will most likely apply to this procurement.
- b. To be certified as a "small business" (including a microbusinesses) and eligible for a bidding preference the business concern must:
  - 1) Have requested the status of small business and/or microbusiness and become certified by the appropriate office of the Department of General Services (DGS) [formerly referred to as Office of Small Business Certification and Resources] as a small business no later than 5:00 p.m. on the proposal submission deadline.
  - 2) Not be dominant in its field of operations,
  - 3) Be independently owned and operated,
  - 4) Have its principal office located in California,
  - 5) Have its owners (or officers in the case of a corporation) domiciled in California,
  - 6) Together with its affiliates be either:

- a) A non-manufacturer with 100 or fewer employees and average annual gross receipts of ten million dollars or less over the previous three years, or
- b) A manufacturer with 100 or fewer employees.
- c. Firms desiring small business and/or microbusiness certification must obtain a Small Business Certification Application (STD 813) from the appropriate office of the Department of General Services [formerly Office of Small Business Certification and Resources (OSBCR)], fully complete the form, and return it to the Department of General Services as instructed. Bidding firms desiring small business certification assistance, may contact the Department of General Services by the following means:
  - 1) (916) 322-5060 (24 hour recording and mail requests), or
  - 2) (800) 559-5529 (live operator), or
  - 3) Internet address: <http://www.pd.dgs.ca.gov/smbus> or
  - 4) Fax: (916) 375-4950, or
  - 5) Email: [osdchelp@dgs.ca.gov](mailto:osdchelp@dgs.ca.gov)

## O. Contract Terms and Conditions

The winning Proposer must enter a written contract that may contain portions of the Proposer's proposal (i.e., Budget Detail Work Sheets, Work Plan), Scope of Work, standard contract provisions, the contract form, and the exhibits identified below. Other exhibits, not identified herein, may also appear in the resulting contract.

The exhibits identified in this section contain contract terms that require strict adherence to various laws and contracting policies. A Proposer's unwillingness or inability to agree to the proposed terms and conditions shown below or contained in any exhibit identified in this RFP may cause DBW to deem a Proposer non-responsible and ineligible for an award. DBW reserves the right to use the latest version of any form or exhibit listed below in the resulting agreement if a newer version is available.

The exhibits identified below illustrate many of the terms and conditions that may appear in the final agreement between DBW and the winning Proposer. Other terms and conditions, not specified in the exhibits identified below, may also appear in the resulting agreement. Some terms and conditions are conditional and may only appear in an agreement if certain conditions exist (i.e., contract total exceeds a certain amount, etc.).

In general, DBW will not accept alterations to the General Terms and Conditions (GTC), DBW's Special Terms and Conditions, the Scope of Work, other exhibit terms/conditions, or alternate language that is proposed or submitted by a prospective contractor. DBW may consider a proposal containing such provisions "a counter proposal" and DBW may reject such a proposal as nonresponsive.

### 1. Sample contract forms / exhibits

Exhibit Label	Exhibit Name
a. Exhibit A1	Standard Agreement (1 page). View or download this exhibit at this Internet site: <a href="http://www.osp.dgs.ca.gov/StandardForms/Fill+and+Print+Standard+eForms.htm">http://www.osp.dgs.ca.gov/StandardForms/Fill+and+Print+Standard+eForms.htm</a>



<b>Exhibit Label</b>	<b>Exhibit Name</b>
b. Exhibit A	Scope of Work (2 pages)
c. Exhibit B	Budget Detail and Payment Provisions (2 pages)
d. Exhibit C - View on-line.	General Terms and Conditions (GTC 306). View or download this exhibit at this Internet site: <a href="http://www.ols.dgs.ca.gov/Standard+Language/default.htm">http://www.ols.dgs.ca.gov/Standard+Language/default.htm</a>
e. Exhibit D	Special Terms and Conditions (3 pages)
f. Exhibit E	Additional Provisions (1 page)
g. Exhibit F	Contractor's Release (1 page). View or download this exhibit at this Internet site: <a href="http://www.documents.dgs.ca.gov/osp/pdf/std004.pdf">http://www.documents.dgs.ca.gov/osp/pdf/std004.pdf</a>
h. Exhibit G	Payee Data Record (1 page). View or download this exhibit at this Internet site: <a href="http://dbw.gov/Forms/std204.pdf">http://dbw.gov/Forms/std204.pdf</a>

## **2. Unanticipated tasks**

In the event unanticipated or additional work must be performed that is not identified in this RFP, but in DBW's opinion is necessary to successfully accomplish the scope of work, DBW will initiate a contract amendment to add that work. All terms and conditions appearing in the final contract including the salary/wage rates, unit rates and/or other expenses appearing on the Proposer's Budget Detail Work Sheets will apply to any additional work.

## **3. Resolution of language conflicts (RFP vs. final agreement)**

If an inconsistency or conflict arises between the terms and conditions appearing in the final agreement and the proposed terms and conditions appearing in this RFP, any inconsistency or conflict will be resolved by giving precedence to the final agreement.

## **P. Contract Execution and Performance**

### **1. Execution of Contract**

The contract shall be signed by the successful proposer and returned to DBW within two (2) working days of receipt, not including Saturdays, Sundays and legal holidays. Failure of the contractor to execute the contract as prescribed herein will be just cause for annulment of the award.

Service shall start on the express date set by the awarding agency and the Contractor, after all approvals have been obtained and the agreement is fully executed. Should the Contractor fail to commence work at the agreed upon time, the awarding agency, upon five (5) days written notice to the Contractor, reserves the right to terminate the agreement. In addition, the Contractor shall be liable to the State for the difference between Contractor's Proposal price and the actual cost of performing work by another contractor.

All performance under the agreement shall be completed on or before the termination date of the agreement.

## **2. Work Performance**

The contractor is hereby advised that performance under this contract will be evaluated on State Standard Form 4, as per State Contracting Manual requirements.